

Exhibit B

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NEW YORK
3
4 -----
5 BLACK LOVE RESISTS IN THE RUST, et al.,
6 individually and on behalf of a class of
7 all others similarly situated,

6 Plaintiffs,

7 - V S - 1:18-cv-00719-CCR

8 CITY OF BUFFALO, N.Y., et al.,

9 Defendants.

12 ORAL EXAMINATION OF DANIEL DERENDA
13 APPEARING REMOTELY FROM
14 BUFFALO, NEW YORK

17 | November 10, 2021

18 At 9:00 a.m.

19 Pursuant to notice

21 | REPORTED BY:

22 | Rebecca L. DiBello, RPR, CSR(NY)

APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

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DANIEL DERENDA

1 A. All the chiefs, sometimes different detectives
2 from different units. Again, I did not
3 attend. I think I attended maybe one or two.
4 Even as deputy -- when I was deputy
5 commissioner Byron Lockwood also ran it then.

6 Again, every chief would be there.
7 Maybe a representative from homicide or
8 narcotics or from the intelligence. Maybe
9 some outside agencies at times, different
10 people.

11 Q. And was CompStat something that happened
12 before you were the commissioner?

13 A. It happened -- yes. It happened probably
14 right after -- I was deputy commissioner of
15 operations from 2006 to 2010 and it went on
16 then, yes.

17 Q. And what was the role of the CompStat meeting?

18 MR. QUINN: Object to the form. You can
19 answer.

20 A. Again, information and to find out and make
21 sure everybody was aware of what was going on,
22 particularly the district chiefs and again to
23 find a solution to the problems at hand.

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DANIEL DERENDA

1 Q. Did information from CompStat meetings or from
2 the CompStat reports go into deciding where
3 the Strike Force would be sent to do its work?

4 MR. QUINN: Object to the form. You can
5 answer.

6 A. I imagine it would.

7 Q. But you weren't directly involved with that?

8 A. With what?

9 Q. Assigning the Strike Force areas?

10 A. At times I would request that they go
11 somewhere, but I believe Deputy Commissioner
12 Lockwood was -- well, I don't even know if he
13 was assigning where they would go, but when I
14 was deputy commissioner of operations I would
15 assign the MRU.

16 As commissioner occasionally I would ask
17 the Strike Force based on information I had to
18 go to some areas, but I believe Deputy
19 Commissioner Lockwood handled it then.

20 Q. Okay. The BPD also had a housing unit,
21 correct?

22 A. Correct.

23 Q. And I'm going to mark as Derenda 4 a document

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DANIEL DERENDA

1 visibility to curtail a lot of those
2 activities.

3 Q. So when you were picking specifically
4 intersections for traffic checkpoints what
5 information was going into selecting the
6 specific intersections?

7 A. I don't recall picking specific intersections.
8 Are you talking about MRU now or Strike Force?

9 Q. I believe I'm talking about the early days of
10 the Strike Force.

11 A. So in Strike Force I believe I wasn't -- I
12 would occasionally tell them to be in this
13 certain area, but I don't recall specifically
14 on a day-to-day routine of picking locations
15 and/or places. I believe Lockwood was doing
16 the locations of the roadblocks. I did for
17 MRU way back as deputy commissioner and,
18 actually, the lieutenants at times picked the
19 locations specific for roadblocks.

20 We would pick the areas that I wanted
21 them to target, meaning what was going on,
22 based on what was going on, is what I best
23 recall.

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DANIEL DERENDA

1 Once I became commissioner MRU
2 disappeared and we disbanded the unit and we
3 re-formed the Strike Force. I don't know how
4 many years in between. I didn't have -- it
5 was no longer my job to be assigning them to
6 different locations. You have deputy
7 commissioner of operations. Lockwood overseen
8 the housing. We put him in charge of housing,
9 Strike Force and the schools because we put
10 him all together so he overseen those units
11 and, generally speaking, he would assign them
12 where they would be.

13 Occasionally maybe I would chime in
14 based on something, based on somebody
15 requesting that I knew about, but the
16 day-to-day stuff I didn't handle. I had too
17 many other things on my plate that I didn't
18 have years before.

19 Q. Now, you expected Strike Force officers to
20 issue a lot of traffic tickets, right?

21 A. I expected Strike Force officers to be
22 proactive and out doing their job making
23 arrests, writing summonses, writing parking

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1 who? Lockwood?

2 Q. Yes.

3 A. Because at the time Beaty or Lockwood actually
4 was the administrative who would have overseen
5 the academy, but we also had Kim Beaty looking
6 over the academy, too. Basically Joe Strano
7 was administrative. He did budget, finance
8 and all of the above, so I would have sent it
9 to them to review also.

10 Q. Did you read the DOJ report on Ferguson?

11 A. I don't recall reading it. If I got the email
12 I probably did.

13 Q. What is your understanding of what the DOJ's
14 report contained?

15 A. I don't recall reading it, so I can't give you
16 my understanding of it.

17 Q. You must have thought that the Ferguson report
18 had some relevance to the BPD because you sent
19 it to three BPD officials, right?

20 MR. QUINN: Form.

21 A. I don't recall reading it and I don't recall
22 why I sent it, but it would be for them to
23 read also.

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1 BPD's use of checkpoints?

2 A. I do not recall that.

3 Q. I'm marking as Derenda 61 a document
4 identified as COB080149. And this is a copy
5 of a resolution passed by the common council
6 at the July 25th, 2017 meeting concerning the
7 Buffalo Police Department checkpoint policy.

8 Does this document refresh your memory?

9 A. It does not. Vaguely.

10 Q. You would have received a copy of the
11 resolution, right?

12 A. Yes.

13 Q. And would you have tasked anybody with
14 responding to the council or did you manage
15 the response personally?

16 A. I would have probably tasked Lockwood in
17 responding to that.

18 Q. And the resolution is directing you to produce
19 a report on the use of checkpoints and to
20 provide data on the location, frequency and
21 results of the checkpoints covering the period
22 of three years to date.

23 Do you recall how you responded to the

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1 type of misconduct is thoroughly investigated,
2 right?

3 A. What complaint are we speaking of?

4 Q. Well, we are going to talk about some specific
5 complaints, but I am speaking generally. If a
6 complaint alleged excessive force and racial
7 bias it would be your responsibility to ensure
8 that both the excessive force allegation and
9 the racial bias allegation were investigated,
10 right?

11 A. Internal Affairs would investigate both,
12 correct.

13 MR. QUINN: Form.

14 Q. And it was your responsibility to ensure that
15 that happened, right?

16 A. It did happen, correct.

17 Q. And you would also have responsibility for
18 ensuring that each separate allegation
19 resulted in a disposition?

20 MR. QUINN: Form.

21 A. Each complaint would result in a disposition.
22 It would take a complaint as one. It might
23 have multiple parts to it, but it would be one

1 deposition. They would do an investigation.
2 We would do an informal hearing. We would see
3 what evidence was there, what we could prove
4 or not prove, whether to remove the charges or
5 not sustained.

6 Everything would be investigated. We
7 would sit down and do file review once a week
8 and investigate -- when the investigator was
9 done with the complaint we would layout what
10 they have, what the complaint is, what we can
11 prove, what we couldn't prove.

12 We'd have an attorney from law sitting
13 at the table with us and we would make the
14 best decisions based on the information we had
15 and what we could prove to an arbitrator.

16 Q. So let's boil that down a little bit. You
17 said you had a file review once a week?

18 A. About once a week. Sometimes less, sometimes
19 more depending on the number of cases piling
20 up. Depending on how many investigations were
21 complete.

22 Q. And was the file review only of investigations
23 that were complete or did you also discuss

1 investigations underway?

2 A. Complete and move towards a disposition.

3 Q. And who would be present at these meetings?

4 A. The Internal Affairs inspector, Deputy
5 Lockwood, the other deputy, Deputy Beaty at
6 times, corporation counsel, an attorney, a BPD
7 attorney, and then we'd also have the
8 investigators come and present their case.

9 This would be after they were done with
10 their investigation. We can present it for
11 whether we're going to press charges, not
12 sustain whatever outcome, whatever it was
13 would be determined after we listened to each
14 individual investigator about each individual
15 investigation.

16 Q. And you said a corp counsel attorney and a BPD
17 attorney. Are those the same person or two
18 different people?

19 A. The same person.

20 Q. Okay. Were you notified when an investigation
21 was opened?

22 A. Excuse me? I didn't hear that.

23 Q. Were you notified when an investigation was

DANIEL DERENDA

1 circumstances. That would probably be a
2 question for Stacey Lewis, that particular --

3 Q. I'm going to mark as Derenda 81 a photo of
4 Rasheed Roper's license place. This is from
5 the Internal Affairs file.

6 Do you agree with me that the plate is
7 not obstructed?

8 MR. QUINN: Form.

9 A. Yes.

10 Q. And do you agree that the plate is fully
11 affixed to the car; it's not hanging off on
12 one side or another side?

13 MR. QUINN: Form.

14 A. Yes.

15 Q. Would you issue a ticket for a license plate
16 in this condition?

17 A. Would I? No.

18 Q. Derenda 82 is the Complaint Disposition Form
19 for the complaint filed by Mr. Roper. It's
20 dated February 10th, 2016 and in this case you
21 classified the complaint as not sustained and
22 you also ordered a conference with DPC
23 Lockwood?

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DANIEL DERENDA

1 A. Apparently, yes.

2 Q. When you made this determination would you
3 have considered Officer Hy's disciplinary
4 history?

5 MR. QUINN: Form.

6 A. I don't recall the particular case so I don't
7 know what I would have considered. You're
8 showing me a snapshot of sheets of
9 dispositions. Doesn't really go through the
10 facts of the case and/or -- again, I keep
11 going back to in many cases complainants stop
12 being cooperative, so I don't know what took
13 place or what didn't.

14 Q. Well, these are not files where complainants
15 are not being cooperative. These are full
16 investigatory files, the investigation
17 reports, the site interviews with the
18 complainant. In this case there was a letter
19 from the complainant about the incident.
20 There was a picture of the license plate that
21 we looked at and you agreed that there was
22 nothing wrong with the license plate.

23 What was the basis for your

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